

Douglas J. Smillie
Fitzpatrick Lentz & Bubba, P.C.
4001 Schoolhouse Lane
P. O. Box 219
Center Valley, PA 18034-0219
610-797-9000
DS 1052
Attorney for M&T Bank

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

<i>IN RE:</i>	:	CHAPTER 7
Marianella Rosamilia <i>aka</i>	:	
Marianella Mattia <i>aka</i>	:	
Sylvia Rosamilia	:	CASE NO. 11-27126-RG
	:	Hearing Date and Time:
Debtor	:	August 9, 2011 at 10:00 A.M.

APPLICATION OF M&T BANK
IN SUPPORT OF MOTION FOR AN ORDER GRANTING RELIEF FROM
THE AUTOMATIC STAY PURSUANT TO 11 U.S.C. § 362(d)

M&T Bank, by and through its undersigned counsel, Fitzpatrick Lentz & Bubba, P.C., moves this Court for an Order granting it relief from the stay of 11 U.S.C. §362(a), and, in support thereof, states as follows:

1. Marianella Rosamilia (“Debtor”) filed a petition under Chapter 7 of the Bankruptcy Code on June 2, 2011.

2. M&T Bank (“M&T”) is a secured creditor of the Debtor by virtue of a Marine Installment Loan Note and Security Agreement dated June 10, 2008 for a 1993 Grady White Cuddy Boat (VIN#NTLCA507C393) and Mercury Twin Diesel engine (“the Boat”). A copy of the Note and title are attached hereto as Exhibit “A” and incorporated herein by reference.

3. The amount due is as follows:

(a) Unpaid principal: \$27,347.49

- (b) Accrued interest: \$337.75
- (c) Late charges: \$78.13
- (d) Attorneys' fees: none
- (e) Advances: none
- (f) Unearned interest: none
- (g) Per diem interest: \$5.53
- (h) Any other charges: none
- (i) Date of last payment: April 20, 2011

- 4. The Debtor intends to surrender the Boat.
- 5. The Boat is not necessary for an effective reorganization of the Debtor.
- 6. The Boat is burdensome to the estate.
- 7. The Debtor has no equity in the Boat.
- 8. M&T does not have, and has not been offered adequate protection for its interest in the Boat.
- 9. If M&T is not permitted to foreclose its interest in the Boat, it will suffer irreparable injury, loss and damage.

WHEREFORE, M&T Bank respectfully requests that this Court enter an Order granting it relief from the stay pursuant to Section 362 of the Bankruptcy Code to permit it to repossess and sell the Boat, and that it have such other and further relief as is just and equitable.

Dated: July 11, 2011

FITZPATRICK LENTZ & BUBBA, P.C.

By /s/ Douglas J. Smillie
Douglas J. Smillie
4001 Schoolhouse Lane, P. O. Box 219
Center Valley, PA 18034-0219
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CERTIFICATION

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the statements made by me are willfully false, I am subject to punishment.

Dated: July 11, 2011

FITZPATRICK LENTZ & BUBBA, P.C.

By /s/ Douglas J. Smillie
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